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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,751	04/13/2001	Sergey A. Velichko	303.750US1	4280

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EXAMINER	
MILLER, CRAIG S	

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	09/834,751	VELICHKO ET AL.
	Examiner	Art Unit
	Craig Miller	2857

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *see attached sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

PTOL-303 item 5. The request for reconsideration has been considered but does NOT place the application in condition for allowance because Applicant's arguments are directed to limitations not reasonably found in the claims. In Applicant request for consideration Applicant claims that, "*...Ekstedt fails to teach concurrent control of operation of both semiconductor test equipment and parametric test equipment*". The Examiner notes In re Pearson, 181 USPQ 641 (CCPA 1974), "*Claims in appending application should be given their broadest reasonable interpretation.*" Ekstedt as modified within the rejection (in view of Tong) discloses that one should prioritize and supervise (central process control system including offline data analysis) fulfills the limitation of the claims as presented. Within his response, the Applicant apparently attempts to impose a limitation that the different processes are conducted (operated) concurrently by citing a definition of "*concurrent*" as "*occurring, arising, or operating at the same time*". This is not a proper analysis of the claimed subject matter. While Applicant's definition of "*concurrent*" is accepted by the Examiner, the Examiner notes that "*concurrent*" is an adjective, defined by Webster's Ninth New Collegiate Dictionary as, "*...typically serving as a modifier of a noun*", while the claim is directed towards, "*control concurrently operation*". Therefore, the claimed subject matter uses the word "*concurrently*", not "*concurrent*". The Examiner notes that "*concurrently*" is classified as an adverb, defined as, "*...typically serving as a modifier of a verb, an adjective, or another adverb*". The verb or action being modified in the instant claim as being performed concurrently is therefore properly interpreted as the verb "*control*", not the noun "*operation*". Thus the proper interpretation of the claim is that the control of each process is performed concurrently or simultaneously. This does not require that any two or more operations be performed simultaneously, only that they be controlled. Since conventional process supervising necessarily includes control commands such a WAIT (for the other process to complete), and since WAIT is a valid control of a process as understood by one of ordinary skill in the art at the time the invention was made, the prior art as modified within the final rejection fulfills the limitation of the claims. The prior art additionally discloses offline data processing with would ordinarily overlap other supervised processes and further supports the Examiner's position found within the final rejection on this concurrent control limitation.